

Notice of Allowability

Application No.

10/683,794

Examiner

Bernard E Souw

Applicant(s)

HUTCHINS ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/11/2004.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 10 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Applicant's Response

1. Applicant's arguments filed 08/11/2004 in response to the Office Action mailed 05/26/2004 have been entered. The present Office Action is made with all the arguments being fully considered.

No claim has been cancelled, amended or added.

Claims 1-14 remain pending in this office action.

ALLOWANCE

2. Claims 1-14 are allowed.

Reasons for Allowance

3. Applicant's argument that "*the picture frame references*" constitute non-analogous art to Applicant's pending claims is persuasive. The following is an examiner's statement of reasons for allowance:

A sample support structure comprising a retainer plate having a central opening shaped to accept a sample insert plate, a sample insert plate having a first surface configured to retain a plurality of samples thereon and having a peripheral surface that fits within the central hole in only one orientation, a handle attached to the retainer plate in a manner to permit limited rotation of the handle between a first position and a

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second position while being in contact with the surface opposite the first surface of the sample insert plate, wherein the handle remains attached to the retainer plate when the handle is rotated to the first position and wherein the handle is removed from the retainer plate when the handle is rotated to the second position to facilitate insertion and removal of the sample insert plate from the retainer plate, as recited in claim 1, is neither anticipated nor rendered obvious by any prior art.

Claims 2-14 are also allowed because of their dependencies, either directly or indirectly, upon claim 1.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

5. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure: USPAT # 5,993,746, issued on 11/30/1999 to Priha et al., discloses a sample plate holder similar to the present disclosure, as shown in Fig.5 and recited in Col.5/ll.14-41, specifically regarding a rectangular carrier having an opening in its center and side supports 47 that bears the sample plate, as recited in Col.5/ll.16-22. However, the sample plate retainer 49 is differently structured than applicant's, as recited in Col.5/ll.24-41.

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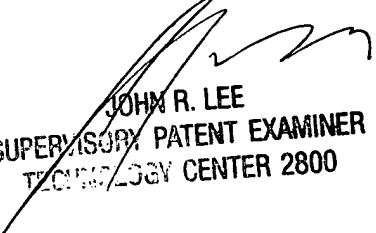
Communications

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes
September 29, 2004


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800